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Interoffice Memo



LONE STAR INDUSTRIES, INC.

One Greenwich Plaza, Greenwich, Connecticut 06830

Originating Office: Seattle Cement Plant

Date: November 1, 1983

TO: K. J. Rone

FROM: R. J. Rajki

SUBJECT: Hazardous Waste Regulations Summary

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EXCELLENT REVIEW!
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The Washington Department of Ecology has been authorized by the Environmental Protection Agency to manage hazardous waste regulations in the state. For the most part, these regulations, Chapter 173-303 WAC, parallel the federal Resource Conservation and Recovery Act regulations.

One significant difference is that Washington has a two-tier, degree of risk system for classifying and managing dangerous wastes. Lower risk wastes are designated "dangerous wastes" (DW) and high risk, acutely toxic, or very persistent wastes are designated "extremely hazardous wastes" (EHW).

The second major difference is the quantity exclusion limit; i.e., the basic quantity at which a waste becomes dangerous. While the EPA limit is 2,200 pounds per month per generator, the WDOE limit is 400 pounds per month or per batch for dangerous wastes, and 220 pounds per month or per batch for extremely hazardous wastes.¹ Not only are these limits extremely small, but the definition of waste as "any discarded, abandoned, unwanted, or unrecoverable material"² is broad enough to cover everything.

Certain wastes are specifically excluded³ and are not regulated either because they are not hazardous, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. At present, "cement kiln dust waste"⁴ is a temporarily excluded waste. This exclusion expires January 1, 1984. At that time, if it has not been added to the permanent exclusion list, it will be subject to the requirements of Chapter 173-303 WAC.

When the amount of a waste reaches the exclusion limit, it must then be determined whether or not the waste falls under the scope of the regulations as either a dangerous or extremely hazardous waste. The waste generator must check either the Dangerous Waste Lists⁵ or Dangerous Waste Characteristics⁶. Alternatively, the Dangerous Waste Criteria⁷ can be consulted.

For the first procedure, the following sections, in the following order, must be consulted:

1. Discarded Chemical Products, 173-303-081
2. Dangerous Waste Sources, -082
3. Infectious Dangerous Wastes, -083
4. Dangerous Waste Mixtures, -084
5. Dangerous Waste Characteristics, -090

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In the second procedure, the sections and their order are:

1. Toxic Dangerous Waste, 173-303-101
2. Persistent Dangerous Waste, -102
3. Carcinogenic Dangerous Waste, -103
4. Dangerous Waste Characteristics, -090

If, after checking, the waste is not designated, then it is not subject to the requirements of Chapter 173-303 WAC. If it is designated as a dangerous waste, it must be further ascertained if it is an extremely hazardous waste. The DOE may order⁸ anyone to determine whether or not his waste is designated under the Dangerous Waste Criteria, 173-303-100, if the department has reason to believe that the waste would be designated dangerous or extremely hazardous by these criteria.

Once a waste is designated, the treatment, storage, transportation, and disposal are all highly regulated. For some wastes, recycling is encouraged. Any dangerous waste which is designated only because it exhibits one or more of the "Dangerous Waste Characteristics", 173-303-090, is not subject to the regulations of Chapter 173-303 if⁹:

- ✓ a) It is being beneficially used or reused;
- ✓ b) It is legitimately recycled, reclaimed, or recovered; or
- ✓ c) It is being accumulated, stored, or treated prior to beneficial use or reuse, recycling, reclamation, or recovery.

However, any dangerous waste which is listed, or contains one or more dangerous wastes designated in the "Dangerous Waste Lists", 173-303-080, and which is transported or stored prior to being used, reused, recycled, reclaimed, or recovered is subject to the following:

1. Notification and Identification Numbers, 173-303-060.
2. Waste Generator Regulations 173-303-170 through -230. These regulations deal with manifest procedures, transport, storage, recordkeeping, reporting, and export-import of wastes.
3. Transportation Regulations 173-303-240 through -270.
4. Storage requirements for interim-status facilities, 173-303-400 through -520.
5. Storage requirements for final status facilities, 173-303-500 through -670.
6. Storage facility permits, 173-303-800 through -840.

As can be seen, any operation which qualifies as a waste storage or handling facility has a large amount of regulations to follow; the detail of which even includes personnel training.

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Should kiln dust lose its exempt status, our position should be that we will continue to generate no waste; i.e., we will recycle all dust. Since we already recover kiln brick, we will not be a waste generator and, therefore, not subject to WAC 173-303.

Other major areas of interest are:

1. VBLS. We use this material as an actual process component. One interesting point is that our usage of this should enable Monsanto to remove VBLS from Chapter 173-303 regulations due to Section 173-303-120, Recycled, Reclaimed, and Recovered Wastes. Ordinarily, it would be a designated hazardous waste for them, but if all of their output were put to a beneficial use, such as our process, their situation would improve greatly.
2. TDF. There are two major points here:
 - a) TDF is a bona fide fuel.
 - b) Rubber tires are an exempted waste.¹⁰
3. Dredgings. Our previous dredgings were regulated by the EPA. Any future ones would likely come under WDOE. If we asked for a dumping permit, like the City of Seattle, the EPA would also be involved. As in the case of kiln dust, any dredgings not permitted for dumping would have to be consumed in process or come under Chapter 173-303 regulations.
4. Lignosite. This is another process addition which has dual usage as an approved and recognized dust control agent.

I recommend that the corporation pursue obtaining permanent exclusion status for kiln dust. Both the PCA and the EPA should have enough data to at least warrant another extension, pending future results. Exclusionary status would make disposal less costly should it be necessary, but it would also greatly increase the success of any marketing activity to find alternative beneficial uses of dust as a product.



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FOOTNOTES

1. Limits can be as low as 2.2 pounds per month or per batch for chemicals designated as extremely hazardous wastes on the Discarded Chemical Products list.
2. WAC 173-303-040-(99): Definitions.
3. WAC 173-303-071: Excluded Categories of Waste.
4. WAC 173-303-071-(4)(c).
5. WAC 173-303-080 through 173-303-084.
6. WAC 173-303-090.
7. WAC 173-303-100 through 173-303-103.
8. WAC 173-303-070-(4).
9. WAC 173-303-120: Recycled, Reclaimed, and Recovered Wastes.
10. WAC 173-303-071-(3)(f).